

United States Senate

WASHINGTON, DC 20510-4305

March 14, 2006

The Honorable Michael Chertoff
Secretary of Homeland Security
United States Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20528

Dear Secretary Chertoff:

I write to you regarding Sayed Rahmatullah Hashemi, the former Taliban spokesman currently attending Yale University on a student visa.

In 2005, Congress passed the REAL ID Act and expanded the terror-related grounds of inadmissibility. Under current law, an alien is inadmissible or removable on terror-related grounds if he is a representative of any designated or nondesignated terrorist organization. Further, an alien is inadmissible or removable if the alien endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization. The REAL ID is clear that the grounds of inadmissibility and removal apply regardless of when the conduct in question occurred.

Mr. Hashemi was an official spokesman for the Taliban, which gave safe haven and other material support to Al Qaeda and Osama bin Laden, and continued to do so even after the terrorist attacks of September 11th. Yet the Department of Homeland Security (DHS) admitted him into the United States on an F-1 student visa. I would like to know what steps the Department of Homeland Security is taking to determine whether Mr. Hashemi was properly admitted and whether the Department of Homeland Security will seek to deport Mr. Hashemi under one of the terror-related grounds of removal.

I am also concerned about the Department of Homeland Security's role in reviewing Mr. Hashemi's student visa application prior to its issuance. The report of the National Commission on Terrorist Attacks Upon the United States concluded that the key officials responsible for determining alien admissions (consular officers abroad and immigration inspectors in the United States) were not considered full partners in counterterrorism efforts prior to September 11, 2001, and as a result, opportunities to intercept the September 11 terrorists were missed.

Congress subsequently passed the Homeland Security Act, and section 428 allows DHS to assign staff to consular posts abroad to advise consular officers, review visa applications, and conduct investigations. Yet it is not clear that DHS officials were afforded an opportunity to review Mr. Hashemi's visa application prior to its issuance. Please provide an update on the progress DHS is making in assigning officers to the consulate in Islamabad and whether those officers are fully integrated into the visa screening process.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "John Cornyn". The signature is fluid and cursive, with the first name "John" and last name "Cornyn" clearly distinguishable.

JOHN CORNYN
United States Senator